

REMARKS

The remarks below repeat verbatim the remarks of the response filed May 2, 2006 along with a Request for Continued Examination. That response was inadvertently filed with a version of the claim amendments that did not reflect all of the amendments discussed in the remarks. The claim amendments provided herein reflect those described in the remarks filed with the response of May 2, 2006.

Claims 1-24 are pending in the present application, with claims 1, 13, 14, 15, 23, and 24 being the independent claims.

In summary of the outstanding Office Action, claims 1-4, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,619,247 to Russo in view of U.S. Patent No. 4,789,863 to Bush.

Claims 5-6, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo and U.S. Patent 4,789,863 to Bush in view of U.S. Patent 4,809,325 to Hayashi et al.

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo and U.S. Patent 4,789,863 to Bush in view of U.S. Patent 5,610,653 to Abecassis.

Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo and U.S. Patent 4,789,863 to Bush in view of U.S. Patent 5,438,355 to Palmer.

Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo in view of U.S. Patent 4,789,863 to Bush and U.S. Patent 4,809,325 to Hayashi, and U.S. Patent 5,610,653 to Abecassis.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo, U.S. Patent 4,789,863 to Bush and U.S. Patent 4,809,325 to Hayashi, and U.S. Patent 5,610,653 to Abecassis in view of U.S. Patent 5,621,840 to Kawamura et al.

Reconsideration of the outstanding objections and rejections to the claims is respectfully requested in view of the present amendments and following remarks.

Rejection of claims 1-14

Claims 1-14 have been canceled herein, thus withdrawal of the rejections is earnestly solicited.

Rejection of claim 15 under 35 U.S.C. 103(a)

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo in view of U.S. Patent 4,789,863 to Bush and U.S. Patent 4,809,325 to Hayashi, and U.S. Patent 5,610,653 to Abecassis.

Claim 15 has been amended herein to include the limitations of canceled claim 19. In particular, the element of canceled claim 19 (now included in amended claim 15) below is not taught or suggested by Russo, Bush, Hayashi, Abecassis, or any combination thereof.

...during prime time viewing hours at least certain high demand movies are each transmitted at short intervals at eight to ten times real time or faster, so that a high demand movie may be available for viewing within no more than the interval time plus a transmission/recording time on the order of 11 to 14 minutes or less.

The Office Action states “Abecassis teaches burst downloads, which transmit compressed movies at a higher rate than which it would be in real-time (col. 37, ll. 50-54; col. 37-38, ll. 61-3).” Even if Abecassis teaches burst downloads, there is no description of downloading “certain high demand movies,” that are “each transmitted at short intervals at eight to ten times real time or faster so that a high demand movie may be available for viewing within no more than the interval time plus a transmission/recording time on the order of 11 to 14 minutes or less.” The burst downloading described in Abecassis is merely described as that which is “non-realtime”:

The viewer can begin viewing the video in realtime while the video is being downloaded in realtime and non-realtime (burst downloading). The downloading of the video need not be accomplished in one session. Short burst downloading will provide a portion of the video...

Col. 37, ll. 51-56

As shown above, Abecassis describes downloading video in non-real time in order to enable viewing of the video before downloading is complete and/or to download only portions of a video at a time. There is no description of transmitting entire movies in short intervals in non-real time, nor specific time requirements within which a movie will be available (i.e. 11 to 14 minutes) based on those short intervals.

Thus, for at least the reasons above, Applicant submits that all the limitations of amended claim 15 are not taught or suggested by Russo, Bush, Hayashi, Abecassis, or any combination thereof. Therefore, withdrawal of the rejection for amended claim 15 is earnestly solicited.

Rejection of claims 16-24 under 35 U.S.C. 103(a)

Claims 19, 23 and 24 are canceled herein, thus withdrawal of the rejections for claims 19, 23 and 24 is earnestly solicited.

Claims 16-18, and 20-22 are rejected under rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,619,247 to Russo, U.S. Patent 4,789,863 to Bush and U.S. Patent 4,809,325 to Hayashi, and U.S. Patent 5,610,653 to Abecassis or additionally in view of U.S. Patent 5,621,840 to Kawamura et al.

Claims 16-18, and 20-22 either depend directly or indirectly from claim 15, thus Applicants submit that all the limitations of these claims are not taught or suggested by Russo, Bush, Hayashi, Abecassis, Kawamura or any combination thereof for at least the same reasons presented above. Therefore, withdrawal of the rejections for claims 16-18, and 20-22 is earnestly solicited.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 15-22 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner

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find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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